

Bureau of Indian Affairs, Interior

§ 13.16

territory presently subject to the re-assumption of jurisdiction and shall state the date on which the re-assumption becomes effective. A copy of the notice shall immediately be sent to the petitioning tribe and to the attorney general, governor and highest court of the affected State or States.

(c) Reasons for disapproval of a petition shall be sent immediately to the petitioning tribe or tribes.

(d) When a petition has been disapproved a tribe or tribes may repetition after taking action to overcome the deficiencies of the first petition.

§ 13.15 Administrative appeals.

The decision of the Assistant Secretary—Indian Affairs may be appealed under procedures established in 43 CFR 4.350–4.369.¹

§ 13.16 Technical assistance after disapproval.

If a petition is disapproved, the Bureau shall immediately offer technical assistance to the tribal governing body for the purpose of overcoming the defect in the petition or plan that resulted in the disapproval.

¹Sections 4.350–4.369 of 43 CFR part 4, were removed at 46 FR 7335, Jan. 23, 1981.

SUBCHAPTER C—PROBATE

PART 15—PROBATE OF INDIAN ESTATES, EXCEPT FOR MEMBERS OF THE FIVE CIVILIZED TRIBES

Subpart A—Introduction

Sec.

- 15.1 What is the purpose of this part?
- 15.2 What terms do I need to know?
- 15.3 Will the Secretary probate all the property in Indian estates?
- 15.4 How does the probate process work?

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- 15.101 How do I begin the BIA probate process?
- 15.102 May I notify the BIA of a death if I am not related to the decedent?
- 15.103 When should the BIA be notified of a death?
- 15.104 What other documents does the BIA need to process a probate package?
- 15.105 Will the BIA wait to begin the probate process until it is notified of the decedent's death?
- 15.106 Can I get emergency assistance for funeral services from the decedent's IIM account?
- 15.107 Who prepares an Indian probate package?
- 15.108 What agency prepares the probate package if the decedent was not an enrolled member of a tribe or is a member of more than one tribe?
- 15.109 Can a probable heir or beneficiary give up his/her interest in trust or restricted lands or trust funds?

Subpart C—Preparing the Probate Package

- 15.201 What will the BIA do with the documents that I provide?
- 15.202 What must the complete probate package contain?
- 15.203 What happens after the BIA prepares the probate package?
- 15.204 After the probate package has been sent to a BIA deciding official, may I still request a formal hearing with an ALJ?
- 15.205 When will the BIA refer a probate to the OHA?
- 15.206 Is there a summary process for distributing an estate with only trust cash assets?

Subpart D—Probate Processing, Claims and Distributions

- 15.301 What does the attorney decision maker do with the probate package?

- 15.302 What law is used by the deciding official to determine the distribution of the trust estate?
- 15.303 If the decedent owed me money, how do I file a claim against the estate?
- 15.304 How does the BIA deciding official determine if a claim will be allowed and paid?
- 15.305 What claims will be paid first?
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- 15.307 What if there is not enough money in the decedent's IIM account to pay all claims?
- 15.308 Will the BIA use future income to pay claims?
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- 15.310 When will the BIA deciding official issue a decision on the probate?
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- 15.401 May I appeal the decision of the BIA deciding official?
- 15.402 How do I file an appeal of the decision/order?
- 15.403 How long do I have to file an appeal?
- 15.404 What will happen to the estate if an appeal is filed?
- 15.405 How does the ALJ review a decision issued by a BIA deciding official?

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- 15.501 If I have a question about a probate that has been assigned to a BIA deciding official, may I contact the deciding official directly?
- 15.502 How can I find out the status of a probate?
- 15.503 Who owns the records associated with this part?
- 15.504 How must records associated with this part be preserved?

AUTHORITY: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 588, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022, 25 U.S.C. 372, 373, 374, 373a, 373b; Federal Records Act, as amended, 44 U.S.C. § 3101, *et seq.* (1950).

CROSS REFERENCE: For special rules applying to proceedings in Indian Probate (Determination of Heirs and Approval of Wills, Except for Members of the Five Civilized Tribes and Osage Indians), including hearings and appeals within the jurisdiction of the Office of Hearings and Appeals, see Title 43, Code of